

INVENTOR: HARRIS, Elbert
Serial No. 10/693,590

REMARKS

Rule 1.131 Declaration

The Examiner indicated that the Applicant's declaration filed under 37 CFR 1.131 was ineffective for establishing a priority date prior to the August 16, 2002 priority date of Greer. As the rejection based upon Greer has apparently been withdrawn in light of the Applicant's amendment of July 8, 2005, the Applicant deems the issue regarding priority as moot and therefore is not addressing the matter herein. Notwithstanding, the Applicant reserves the right to supplement its declaration or otherwise traverse the Examiner's determination regarding Applicant's Rule 1.131 declaration at a later date if appropriate.

103 Rejections

The Applicant believes the Examiner has failed to establish a *prima facia* case of obviousness under 35 U.S.C. § 103. To establish *prima facia* obviousness of a claimed invention, all claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). "All words in the claim must be considered in judging the patentability of that claim against the prior art." *In re Wilson*, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970). The Examiner contends that all of the elements of the claimed invention are taught by the combination of Wright in view of Thompson. The Applicant respectfully disagrees with the Examiner's conclusion and hereby insists that the combination of Wright and Thompson fails to teach or suggest all of the elements of the inventive system and method claimed herein.

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The instant invention is directed to methods of managing and/or completing "submittal" requirements in a construction project. In most construction projects (especially commercial construction projects) it is typical for the architect and engineering design firms to determine a project design and to set specifications for materials to meet the design parameters. Once these specifications are set, contractors and subcontractors working on the project propose specifications of specific materials that they believe will fulfill the specification requirements set by the architect/design firm. The process by which the contractors and subcontractors propose specific material specifications to fulfill the specifications set by the architect/design firm is referred to as a "submittal". This is a process that takes place after an architect has developed a project plan, and a general contractor has bid on and received the contract to build the project. Alternatively, the prior art relied upon by the Examiner discloses systems and methods related to bidding for construction projects. Such systems have significant differences between the methods for managing and/or completing submittals of the instant invention.

The prior art cited by the Examiner does not disclose a method in which a submittal document is completed as is claimed in the instant application. The prior art only allows a user such as a general contractor to post general specifications for a construction project and contractors/subcontractors to provide a bid as to how much they will charge to complete the project in light of the posted specifications. In a bidding process, subcontractors do not have the ability to supplement or modify the general specifications of the general contractor. As is disclosed in Wright at column 9, lines 26-

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37, the subcontractors might have questions or comments about the specifications, which may ultimately result in the general contractor (or project manager as referenced in Wright) posting changes to the specifications, but the subcontractors themselves do not supplement or modify the specifications in any way. Alternatively, the instant invention provides a method that does allow the subcontractors to supplement or modify the specifications and thus create a submittal document. For example, independent Claims 1, 3, 11 and 14 include limitations in which a contributor has access to make changes to a database containing a submittal document. Similarly, independent claim 10 includes limitations drawn to the submitting of information to a submittal document and requesting further required information for said submittal document, and independent claim 26 includes limitations drawn to the preparing of a submittal and the further completing of the submittal by a contributor. As such limitations are neither disclosed nor taught by the prior art cited by the Examiner, the Applicant respectfully requests that the rejections under 35 U.S.C. § 103 be withdrawn.

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Reconsideration of the application respectfully is requested. The foregoing remarks are believed to be responsive to every matter raised in the office action. If, however, some matter has been overlooked, an opportunity to correct the oversight would be appreciated.

Respectfully submitted,

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